



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

May 10, 2019
SPR19/933

Andrew Quemere

Dear Mr. Andrew Quemere:

I have received your letter appealing the response of the City of Northampton to your request for records.

I have directed a member of my staff, Attorney Lori Sullivan, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Murray".

Rebecca S. Murray
Supervisor of Records

cc: Pamela M. Powers

Rastellini, Patricia (SEC)

From: Andrew Quemere <aquemere56@gmail.com>
Sent: Friday, May 10, 2019 11:36 AM
To: SEC-DL-PREWEB; ppowers@northamptonma.gov
Subject: Fwd: Public Records Request: Fentanyl/carfentanil policies

Supervisor of Public Records,

In response to my public records request, the city of Northampton asserts that it cannot provide responsive records because they are "proprietary." The city does not cite any exemptions to the public records law that allow it to withhold proprietary information. Please order the city to provide a new response that complies with the law.

Thank you,
Andrew Quemere

----- Forwarded message -----

From: Pamela Powers <ppowers@northamptonma.gov>
Date: Fri, May 10, 2019 at 11:17 AM
Subject: Fwd: Public Records Request: Fentanyl/carfentanil policies
To: <aquemere56@gmail.com>

Please see the response below to your recent FOIA inquiry.

Pamela Powers
City Clerk
City of Northampton
(413) 587-1223

----- Forwarded message -----

From: Kelly Banister <kschuetze@northamptonma.gov>
Date: Fri, May 10, 2019 at 10:06 AM
Subject: Re: Public Records Request: Fentanyl/carfentanil policies
To: Pamela Powers <ppowers@northamptonma.gov>
Cc: Jon Davine <jdavine@northamptonma.gov>, Jane Lawnicki <jlawnicki@northamptonma.gov>, Julia Thibodo <jthibodo@northamptonma.gov>

Pam,
We have no dispatch specific protocols, policies or training for dealing with calls related to the drugs fentanyl and carfentanil .

We are certified in and use Priority Dispatch Emergency Medical Dispatch systems for all medical calls. We are not allowed to share the information as it is proprietary. Here is the company's website if they wish to contact them: <https://prioritydispatch.net/>

Thank you,
Kelly

On Mon, May 6, 2019 at 8:53 AM Pamela Powers <ppowers@northamptonma.gov> wrote:
Good Morning;

Below is a FOIA request that I received this morning. Here is additional information for responding to this inquiry:

Please respond to this within ten business days. If there will be a fee involved, please notify the requester with a fee estimate.

If you feel that the requester does not have the right to the specific records requested, please indicate in detail the specific basis for withholding the requested materials. The denial must include a citation to one of the statutory provisions. A denial must also advise the requester of the right to seek redress through the administrative process provided by the Supervisor of Records (Supervisor) as well as the judicial remedy available in superior court.

The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the governmental entity at the time the request is received. There is no obligation to create a record for a requester or to honor prospective requests.

It is up to each department to respond directly to this inquiry; however, please let me know when the request has been met by your department for tracking purposes.

*Pamela Powers
City Clerk
City of Northampton
(413) 587-1223*

----- Forwarded message -----

From: **Andrew Quemere** <aquemere56@gmail.com>
Date: Sun, May 5, 2019 at 2:47 PM
Subject: Public Records Request: Fentanyl/carfentanil policies
To: <cclerk@northamptonma.gov>

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law, M.G.L. c.66, §10, I hereby request the following records:

* All current policies, memos/bulletins, and other informational materials (e.g., PowerPoint presentations, instructional videos, etc.) related to the drugs fentanyl and carfentanil for police and other emergency personnel.

I request that these records be provided in electronic format. In the event that fees are assessed, I request that they be waived as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records as I believe this request is in the public interest.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,
Andrew Quemere

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Kelly Schuetze
Director of Communications
Northampton Public Safety
Phone (413) 587-1147
Fax (413) 587-1158